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Heather S. Stutz
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Date: 10/7/2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/981,209

Examiner: G. J. Piazza Corcoran

Filing Date: 10/17/2001

Group Art Unit: 1733

Inventor: W. Scott Hemphill

7/ka
10/23/03

For: METHOD AND APPARATUS FOR REPAIRING CONCRETE

Attorney Docket No. 596.004

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REPLY TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Office Action dated July 7, 2003, the Examiner restricted the claims of the present case into three groups (I-III), indicating that the claims of the application define three distinct inventions. In response to the Restriction Requirement, applicant provisionally elects the claims of Group II, including claims 15-19 and 29-31, with traverse.

In the Office Action, in paragraph 4, the Examiner stated that inventions II and I are related as combination and subcombination. It seems as though the Examiner meant to indicate inventions II and III, and as such, we respond to the argument in Figure 4 making this assumption.

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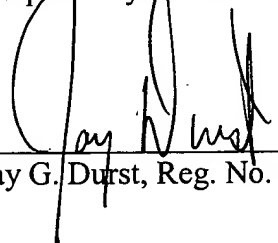
In particular, ^{210.00 OP}the Examiner states that the subcombination (claim 15, for example), has "separate utility such as an insert for bonding other materials such as new concrete (not a repair) or plastic or asphalt, etc." The subcombination does not have separate utility in this regard. In particular, although the Examiner states that the insert could be used to bond materials together

such as new concrete, not a repair, Applicant fails to see how that can be the case when claim 15 explicitly states that the insert is bondable with a "pre-existing" concrete section. Moreover, because claim 15 explicitly defines concrete, Applicant also fails to see how the insert can be used to bond plastic, asphalt, etc. As a result, Applicant respectfully traverses this rejection and asks that claims 15-19, 26, 27 and 29-31 be examined together.

Should the Examiner have any questions or wish to discuss this further, she is invited to contact Applicant's representative at the number below.

Enclosed is a check in the amount of \$210.00 for a two-month extension of time. The Director is authorized to direct any additional fees associated with this or any other communication, or credit any overpayment, to Deposit Account 50-1170.

Respectfully submitted,



Jay G. Durst, Reg. No. 41,723

Dated: October 7, 2003

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